

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Reijo Pekkala	§	Group Art Unit:	2431
Application No:	10/595,447	§	Examiner:	Chai, Longbit
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Customer No.: 27045

For: Network And Node For Providing A Secure Transmission Of Mobile Application Part
Messages

Mail Stop Appeal Brief - Patents
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Date: March 1, 2011

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Issues regarding the Pre-Appeal Brief Request are as follows:

PENDING REJECTIONS

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over 3GPP-TS-33-200 (3GPP TS 33.200 V5.0.0 Release 5 March 2002) in view of *Loganathan, et al.* (U.S. Patent No. 7,536,183). Applicant respectfully traverses these rejections.

ARGUMENTS

Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness of the rejected claims. As noted in the M.P.E.P., "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation

of the reason(s) why the claimed invention would have been obvious.” M.P.E.P. ch. 2142. The Federal Circuit has supported this position, stating that “rejections on obviousness cannot be sustained with mere conclusory statements.” *Id.* (citing *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1328, 1336 (Fed. Cir. 2006)). Because the Examiner has not clearly shown how each and every claim limitation is made obvious by the cited references, Applicant respectfully requests reconsideration and allowance of Claims 1-10.

For example, Claim 1 recites, in part, a gateway node being configured “to receive a mobile application part message from the first domain, to convert the received mobile application part message obtaining a secured mobile application part message, and . . . further being configured to receive a secured mobile application part message from the second domain, to extract an unsecured mobile application part message from the received secured mobile application part message . . .” (emphasis added). The proposed *3GPP-Loganathan* combination fails to disclose, teach, or suggest these limitations. The Examiner continues to rely on the *Loganathan* reference as disclosing these limitations. Specifically, the Examiner relies on a translator in *Loganathan* that can convert messages from TIA-41 MAP protocol to GSM MAP protocol, and vice versa. *Office Action*, pgs. 4-5. As previously argued, there is nothing in *Loganathan*, or any of the other references to suggest that these conversion processes result in either “secured” or “unsecured” mobile application part messages.

In response, the Examiner continues to rely merely on the broad statements that “it is well known to one of ordinary skill in the art” that “GSM is a truly secured protocol standard.” *Advisory Action*, pg. 2. Without conceding the accuracy of this statement, Applicant respectfully submits that the Examiner has still not clearly shown *how* the relevant limitations are disclosed, taught, or suggested by *Loganathan*. Specifically, even if GSM is a “secured” protocol, the references completely fail to teach, and the Examiner fails to explain, how the TIA-41 is an “unsecured” protocol. Therefore, even under the Examiner’s proposed interpretation, there is no teaching, disclosure, or suggestion as to how *Loganathan*’s conversion from TIA-41 MAP protocol to GSM MAP protocol

obviates "convert[ing] the received mobile application part message obtaining a secured mobile application part message," as required by Claim 1. Furthermore, there is clearly no teaching, disclosure, or suggest as to how *Loganathan's* conversion from GSM MAP protocol to TIA-41 MAP protocol obviates "extract[ing] an unsecured mobile application part message from the received secured mobile application part message," also required by Claim 1.

The mere conclusory statement that GSM is a secured protocol fails to clearly show how the claimed limitations are disclosed or suggested by the conversion processes of *Loganathan*. Therefore, Applicant respectfully contends that the requirements of a *prima facie* case of obviousness have not been satisfied. For at least these reasons, Applicant respectfully requests reconsideration and allowance of independent Claim 1, as well as its dependent claims. For substantially analogous reasons, Applicant respectfully requests reconsideration of independent Claim 6, as well as its dependent claims.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Panel withdraw all rejections and issue a Notice of Allowance for all pending claims.

Respectfully submitted,

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